

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

COMMODITY FUTURES TRADING

COMMISSION,

Plaintiff,

Case No. 18-CV-00361 (JBW) (RLM)

FEDERAL RULES OF CIVIL PROCEDURE

Rule 52(C)

v.

PATRICK K. MCDONNELL,
and CABBAGETECH, CORP. d/b/a COIN
DROP MARKETS,

Defendants.

VIA ECF

The Honorable Jack B. Weinstein
United States District Judge
United States District Court for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Dear Judge Weinstein:

Defendant respectfully submits this **Motion To Dismiss For Insufficient Evidence** Docket #139, 139-1, 140, 141, 142 along with corresponding filed “exhibits” and yet to file in accordance with **FEDERAL RULES OF CIVIL PROCEDURE Rule 41** and/or **FEDERAL RULES OF CIVIL PROCEDURE Rule 52(C)** and/or “any” civil procedure rule that the Court sees fit that Pro Se Defendant may not have mentioned to ignorance.

Notes of Advisory Committee on Rules—1991 Amendment

Language is deleted that authorized the use of this rule as a means of terminating a non-jury action on the merits when the plaintiff has failed to carry a burden of proof in presenting the plaintiff's case. The device is replaced by the new provisions of Rule 52(c), which authorize entry of judgment against the defendant as well as the plaintiff, and earlier than the close of the case of the party against whom judgment is rendered. A motion to dismiss under Rule 41 on the ground that a plaintiff's evidence is legally insufficient should now be treated as a motion for judgment on partial findings as provided in Rule 52(c).

July 16, 2018

/s/ Patrick K. McDonnell

Defendant/Pro Se

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